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PATENT DEPARTMENT
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WASHINGTON DC 20005-3502

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OFFICE OF PETITIONS

In re Application of
Jean-Luc Denisart
Application No. 10/676,001
Filed: October 2, 2003
Attorney Docket No. 88265-6931

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: DECISION GRANTING PETITION
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This is a decision on the petition filed March 5, 2004, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of October 2, 2003, with six (6) sheets of drawings as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed on October 2, 2003. However, on January 5, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings as required by 35 U.S.C. § 113.

In response, on March 5, 2004, the present petition was filed, accompanied by, *inter alia*, six (6) sheets of drawings. Petitioners assert that the above-identified application is a continuation of Application No. PCT/EP02/03632 filed March 26, 2002 and is incorporated by reference into the instant application.

A search of the official file reveals that on October 2, 2003, a specification and a "Utility Patent Application Transmittal" cover sheet both indicated that the application was a continuation of application no. PCT/EP02/03632, and that the entire disclosure from the prior application is incorporated by reference.

Based on petitioners' representation that the papers supplied with the petition constitute a copy of the prior application, and the incorporation by reference statement appearing on the first page of the specification deposited on October 2, 2003, stating that the application is a continuation of Application No. PCT/EP02/03632 herein incorporated by referenced, it appears that the drawings were present in the Office on October 2, 2003, albeit in the file of another application, *i.e.*, Application No. PCT/EP02/03632.

Therefore, on petition, the application may be accorded the requested filing date.

The application will be processed and examined with the six (6) sheets of drawings supplied on March 5, 2004, as a part of the original disclosure.

The petition filed March 5, 2004 is **GRANTED**.

Since the petition was required to accord the requested filing date, a petition fee in the amount of \$130.00 is required and thus cannot be refunded.

Of course, the primary examiner is expected to compare the drawings supplied on March 5, 2004, to the disclosure of prior application No. PCT/EP02/03632 in order to verify that the drawings are, in fact, part of the disclosure of the prior application.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to October 2, 2003, using the application papers filed on October 2, 2003, and the copy of six (6) sheets of drawings, supplied on March 5, 2004, as the original disclosure, and for an indication in Office records that six (6) sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions